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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,646	02/19/2002	Elena A. Fedorovskaya	83957RLO	7936

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EXAMINER	
SINGH, SATWANT K	

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/079,646	FEDOROVSKAYA ET AL.	
	Examiner	Art Unit	
	Satwant K. Singh	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 April 2002* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on 04 August 2006.

Response to Arguments

2. Applicant's arguments filed 26 June 2006 have been fully considered but they are not persuasive. Applicant argues that the filing date of the present application is February 19, 2002, which precedes the publication date of the prior art of Matraszek et al. (US 2003/0122839), which was published on July 3, 2003. As stated in the Advisory Action Mailed on July 11, 2006, of Matraszek et al. has a filing date of December 26, 2001, which is prior to the filing date of the present application which is February 19, 2002). Therefore, the previous 102(e) rejection stands.

Terminal Disclaimer

3. The terminal disclaimer filed on 26 June 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 7,003,139 and copending Application No. 10/079,283 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Matraszek et al. (US 2003/0122839).

The applied reference has a common Assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

6. Regarding Claim 1, Matraszek et al disclose a method of collecting and associating affective information for a plurality of images in an imaging system, comprising the steps of: (a) displaying a plurality of digital images for viewing by a particular user (Fig. 2, Step 110) (user opens a new set of images by inserting the CD-ROM into the CD reader 26 of the home computer) (page 4, paragraph [0065]); (b) automatically collecting affective information for the plurality of digital images as the particular user views the images (Fig. 2, Step 118, YES) (user selects automatic affective tagging) (page 4, paragraph [0069]); and (c) storing in a database the collecting affective information for each of the plurality of digital images and associating the collected affective information with a particular user (Fig. 2, Step 146) (affective information is stored with user identifier) (page 3, paragraph 0047], page 6, paragraph [0087]).

7. Regarding Claim 2, Matraszek et al disclose a method further including the step of (d) the particular user providing a personal identifier (Fig. 2, Step 114, user enters personal id and password).

8. Regarding Claim 3, Matraszek et al disclose a method wherein the affective information and a user identifier are stored with each of the digital images in a plurality of digital images (Fig. 2, Step 146, personal affective tags are associated with images) (page 6, paragraph [0087]).

9. Regarding Claim 4, Matraszek et al disclose a method wherein each of the digital image files includes affective information for a plurality of users (a single image file can include a plurality of affective tags for a plurality of users) (pages 6 and 7, paragraph [0094]).

10. Regarding Claim 5, Matraszek et al disclose a method wherein the stem of automatically collecting affective information includes monitoring the physiology of the particular user (physiological responses recorded as the user views the image) (page 2, paragraph [0042], page 4, paragraph [0069]).

11. Regarding Claim 6, Matraszek et al disclose a method wherein the step of automatically collecting affective information uses a video camera (video camera 4 captures video images of the face of the user 2) (page 3, paragraph [0054]).

12. Regarding Claim 7, Matraszek et al disclose a method wherein the step of automatically collecting affective information includes determining the duration of time the particular user views each of the plurality of images (viewing time off the image) (page 2, paragraph [0035]).

13. Regarding Claim 8, Matraszek et al disclose a method wherein the step of automatically collecting affective information for the plurality of digital images includes monitoring the gaze of the particular user (gaze path of the user) (page 2, paragraph [0039]).

14. Regarding Claim 9, Matraszek et al disclose a method for providing affective information for images in an imaging system, comprising the steps of: (a) sequentially displaying a plurality of digital images for viewing by a particular user (Fig. 2, Step 110) (user opens a new set of images by inserting the CD-ROM into the CD reader 26 of the home computer) (page 4, paragraph [0065]); (b) automatically collecting affective information for each of the plurality of digital images (Fig. 2, Step 118, YES) (user selects automatic affective tagging) (page 4, paragraph [0069]); (c) storing the collected affective information for each of the plurality of digital images and associating the collected affective information with the particular user (Fig. 2, Step 146) (affective information is stored with user identifier) (page 3, paragraph 0047], page 6, paragraph [0087]), and (d) using the stored collected affective information to facilitate retrieval of particular digital images form the plurality of digital images (Fig. 2, Step 148) (the personal affective tags are used to retrieve or print images) (page 7, paragraph [0095]).

15. Regarding Claim 10, Matraszek et al disclose a method wherein the collected affective information for each of the plurality of digital images is stored along with the digital image in separate digital image files, and the digital image files include a user identifier which identifies the particular user (Fig. 2, Step 146, personal affective tags are associated with images) (page 6, paragraph [0087]).

16. Regarding Claim 11, Matraszek et al disclose a system for providing affective information for images in an imaging system, comprising: (a) a digital memory which stores a set of digital images (CD-ROM) (page 4, paragraph [0065]); (b) means for identifying a particular user (Fig. 2, Step 112) (user enters personal ID and password) (page 4, paragraph [0066]); (c) a display which sequentially displays the set of digital images for viewing by the particular user (Fig. 2, Step 110) (user opens a new set of images by inserting the CD-ROM into the CD reader 26 of the home computer) (page 4, paragraph [0065]); (d) a sensor for automatically measuring the particular user's reaction to the image (video camera 4) (page 4, paragraph [0069]); (e) a processor for processing the signal from the sensor to provide affective information for the set of digital images (Fig. 2, Step 128) (home computer 10 automatically records the signals that the user selected) (page 5, paragraph [0072]); and (f) a memory for storing the affective information for the set of digital images (Fig. 2, Step 146) (affective information is stored with user identifier) (page 3, paragraph 0047]), wherein the processor accesses the stored affective information to facilitate retrieval of particular digital images from the set of stored digital images (Fig. 2, Step 148) (the personal affective tags are used to retrieve or print images) (page 7, paragraph [0095]).

17. Regarding Claim 12, Matraszek et al disclose a system wherein the sensor is a video camera (video camera 4 captures video images of the face of the user 2) (page 3, paragraph [0054]).

18. Regarding Claim 13, Matraszek et al disclose a system wherein the processor processes the signal from the video camera in order to determine the particular user's facial expression (facial expression of the user) (page 2, paragraph [0037]).

19. Regarding Claim 14, Matraszek et al disclose a system wherein the sensor measures the particular user's biometric response (user's biometric response) (pages 2 and 3, paragraph [0042]).

20. Regarding Claim 15, Matraszek et al disclose a system wherein the sensor measures the particular user's galvanic skin response (galvanic skin response) (page 3, paragraph [0053]).

21. Regarding Claim 16, Matraszek et al disclose a system wherein the system includes a pointing device, and the sensor is incorporated into the pointing device (pointing device 18) (page 3, paragraph [0053]).

22. Regarding Claim 17, Matraszek et al disclose a system wherein the sensor measures the particular user's galvanic skin response (galvanic skin response) (page 3, paragraph [0053]).

23. Regarding Claim 18, Matraszek et al disclose a system wherein the affective information is stored in the digital memory (Fig. 2, Step 146) (affective information is stored with user identifier) (page 3, paragraph 0047]).

24. Regarding Claim 19, Matraszek et al disclose a system wherein the affective information is stored with each digital image in a digital image file (Fig. 2, Step 146, personal affective tags are associated with images) (page 6, paragraph [0087]).

25. Regarding Claim 20, Matraszek et al disclose a system wherein the digital image file includes affective information and user identifiers for a plurality of users (a single image file can include a plurality of affective tags for a plurality of users) (pages 6 and 7, paragraph [0094]).

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satwant K. Singh whose telephone number is (571) 272-7468. The examiner can normally be reached on Monday thru Friday 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Satwant K. Singh
Examiner
Art Unit 2625

sks

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER